

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**S.S., PARENT AND NEXT FRIEND OF  
MINOR L.S.,**

**Plaintiff,**

**v.**

**ANTHONY DAVID NAPOLITANO, et al.,**

**Defendants.**

**Case No. 2:18-cv-02491-HLT-ADM**

**MEMORANDUM AND ORDER**

Plaintiff S.S., on behalf of L.S., a minor, filed this tort action against Defendants Anthony David Napolitano, Megan Napolitano Robe, and Marc Robe. Plaintiff settled the claims against the Robes, and they were dismissed. Doc. 101. Defendant Napolitano has never appeared in this case and the Clerk entered default against him. Doc. 59.

On September 29, 2020, following an evidentiary hearing, the Magistrate Judge issued a report and recommendation, Doc. 121, recommending that the Court grant Plaintiff's Renewed Motion for Default Judgment Against Napolitano, Doc. 106, and award Plaintiff damages in the amount of \$1,347,754.80 for the claims against Napolitano. In accordance with 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b)(2), and D. Kan. Rule 72.1.4(b), the parties were given fourteen days to file written objections to the report and recommendation. No written objections have been filed. Because no party has filed written objections to the report and recommendation, the parties have waived their right to de novo review under 28 U.S.C. § 636(b)(1). *See In re Key Energy Res. Inc.*, 230 F.3d 1197, 1199-1200 (10th Cir. 2000).

The Court has reviewed the report and recommendation. After reviewing it and the record in this case, the Court approves and adopts as its order the Magistrate Judge's report and recommendation.

THE COURT THEREFORE ORDERS that the Magistrate Judge's report and recommendation (Doc. 121) is accepted, approved, and adopted as the order of this Court.

THE COURT FURTHER ORDERS that Plaintiff's Renewed Motion for Default Judgment Against Napolitano (Doc. 106) is GRANTED. Default judgment on liability is granted for Plaintiff and against Defendant Napolitano. Plaintiff is awarded damages in the amount of \$1,347,754.80. The Court directs the Clerk to enter judgment in accordance with this order.

IT IS SO ORDERED.

Dated: November 4, 2020

/s/ Holly L. Teeter  
HOLLY L. TEETER  
UNITED STATES DISTRICT JUDGE